

DECLARATORY

~~Improvement~~ Res. No. 1250-1969

For the Vacation of Sylvia Street from the west
property line of John Street to the easterly
right of way line of U. S. Highway No. 27.

Resolution Adopted: Sept. 2, 1969

Confirmed:

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

SEP 3 - 1970

B.O. 62-69

DECLARATORY RESOLUTION NO. 1250-1969

For the Vacation of Sylvia Street from the west
property line of John Street to the easterly
right of way line of U. S. Highway No. 27.

PLANS ORDERED:

ADOPTED: Sept. 2, 1969

ADVERTISE NOTICE TO PROPERTY OWNERS: WAIVED

HEARING ON CONFIRMATION:

CONFIRMED: Sept. 2, 1969

ASSESSMENT ROLL ORDERED: Sept. 2, 1969

ASSESSMENT ROLL APPROVED: Aug. 19, 1970

HEARING ON CONFIRMATION
OF ASSESSMENT ROLL: Thurs., Sept. 3, 1970, 3:30 p. m.

NOTICE SERVED: Aug. 21, 1970

ASSESSMENT ROLL CONFIRMED: Sept. 3, 1970

For the Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ of Sylvia Street from the west property line of John Street to the easterly right of way line of U. S. Highway No. 27.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate Sylvia Street from the west property line of John Street to the easterly right of way line of U. S. Highway No. 27.

All as shown by a plan of such proposed Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana

The cost of said Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ is described as follows: Lot 35 and portions of Lots 42 and 44, all in Home Gardens Addition. Said addition is inclusive to the City of Fort Wayne, Indiana.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5)% per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

~~The vacation of the above described _____ shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.~~

All Streets, lots and lands affected by the above described vacation are situated in the southwest quarter of Section Twenty Five, Township 30 north, Range 12 east and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS

2

DAY OF

September 1969

Attest:

Secretary Board of Public Works.

Fred L. Krumm
Robert W. Dalmans

Board of Public Works.



PORTION OF STREET TO BE VACATED

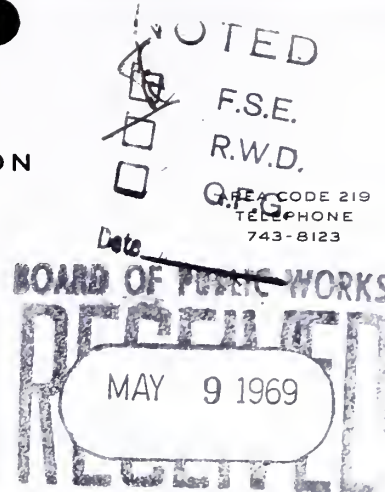


FRED B. SHOAFF
1877-1961
JOHN D. SHOAFF
ROBERT Y. KEEGAN
RICHARD F. BAIRD, JR.
CLIFFORD E. SIMON, JR.
GEORGE T. DODD
THOMAS M. MOORHEAD
THOMAS M. SHOAFF

LAW OFFICES
SHOAFF, KEEGAN, BAIRD & SIMON
1108 FORT WAYNE BANK BUILDING
FORT WAYNE, INDIANA
46802

May 7, 1969

BOARD OF PUBLIC WORKS
City Hall
Fort Wayne, Indiana



Gentlemen:

Would you please consider this to be the formal application of the Fort Wayne Store Company and its tenant, Sandusky Distributing Company of Indiana, Inc., for the Board of Works to undertake proceedings to vacate Sylvia Street from the western boundary of John Street to the western terminus of said street.

This segment of Sylvia Street is less than a city block long and dead ends into the property of the Fort Wayne Store Company. The Fort Wayne Store Company owns all of the land abutting Sylvia. Since the improvement of U.S. 27 and the erection of the no-access fences at the intersection of U.S. 27 and Hanna Street, Sylvia Street has no outlet at its western terminus.

You may recognize this area as being the property owned and occupied by the Mr. Wiggs store between Hanna and John Street at the intersection of U.S. 27.

Our clients are planning an immediate construction program on the southern portion of this property which will overlay the portion of Sylvia Street sought to be vacated. The portion sought to be vacated has no value to anyone other than the Petitioners, has never been open and is not necessary for access to any other property.

Page 2. Board of Public Works
Fort Wayne, Indiana
May 7, 1969

Your prompt attention to this matter will be appreciated. Simultaneously with this application a Petition for Vacation is being filed with the City Plan Commission.

Very truly yours,

SHOAFF, KEEGAN, BAIRD & SIMON

A handwritten signature in blue ink, appearing to read "Clifford E. Simon, Jr.", with a stylized flourish at the end.

Clifford E. Simon, Jr.

CESJr:wh

cc: Mr. Don Bodeker
CITY PLAN COMMISSION

OFFICE OF
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

NOTED

☐ F.S.E.

☒ R.W.D.

☐ G.F.G.

B.O. 62-69

Date 54-30-6
Sept. 2, 1969

Date _____

To City Engineer

Subject Dec. 1250-1969 Vacation Sylvia Street

Prepare Assessment Roll of Benefits \$1.00 and Damages \$1.00.

Fred S. Ehrman
Robert W. Dahman
George F. Gable "
BOARD OF PUBLIC WORKS

ic
encl. Res. & P. O.

Signed _____

Reply:

August 14, 1970

Assessment roll of Benefits and Damages completed and attached.

Donald E. Bodeker
Donald E. Bodeker
Office Manager

DEB:tkr
attachs.



Signed _____

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

June 9, 1969

William J. Jones
Planning Director

Thomas Manny
Traffic Engineer

Please submit your opinion and recommendation on the following
proposed vacation:

✓ Sylvia Street from the west property line of Hanna Street
to the easterly right of way line of U.S. Highway No. 27.

Donald E. Bodeker
Donald E. Bodeker
Office Manager

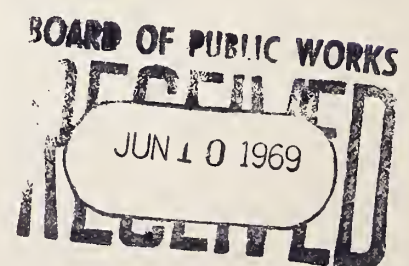
DEB:lc
attachs.

cc: Board of Public Works ✓
(Board Order No. 62-1969)

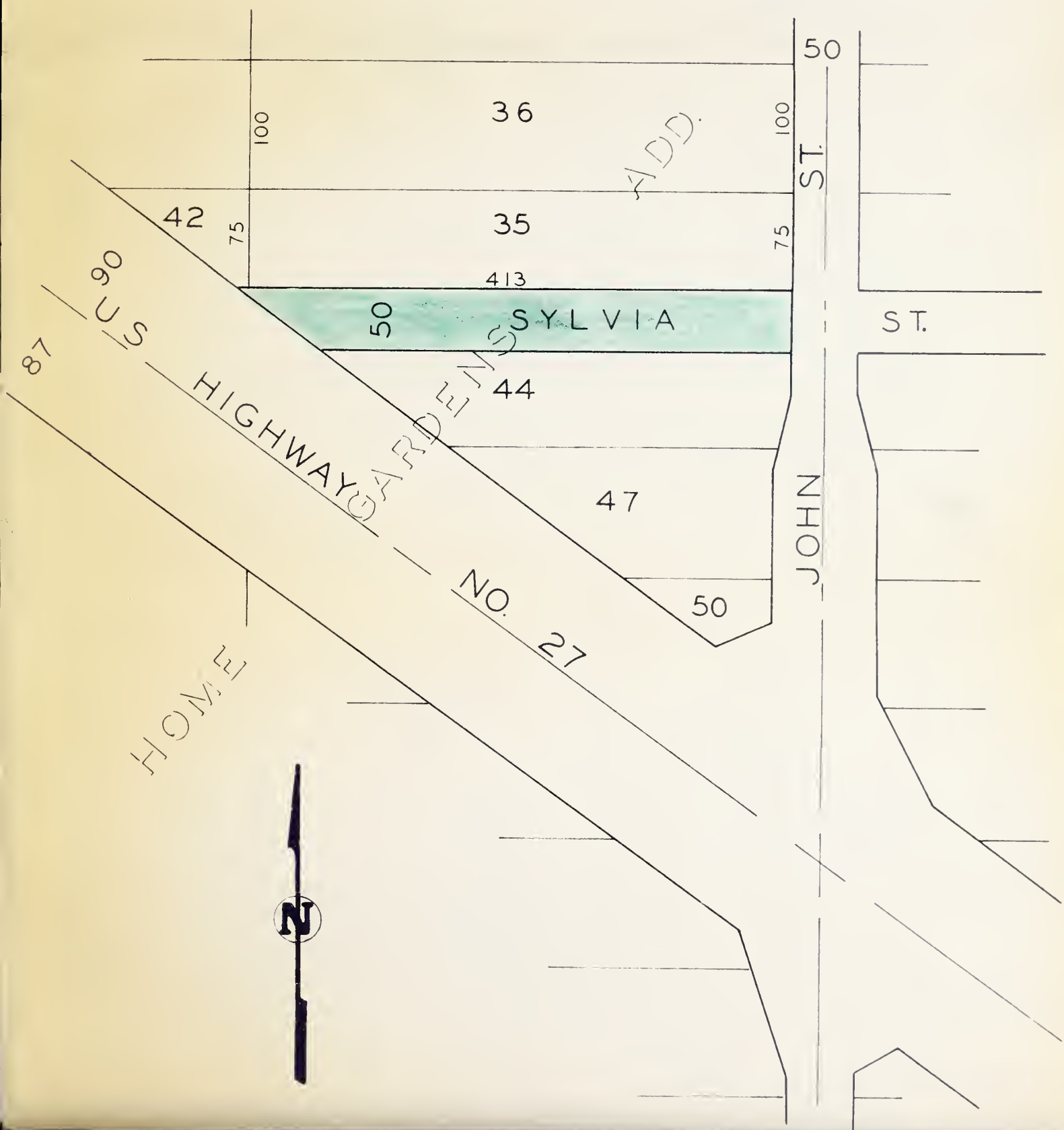
NOTED

☒ F.S.E.
☐ R.W.D.
☐ G.F.G.

Date *AK*



 PORTION OF STREET TO BE VACATED



City of Fort Wayne



ENGINEERING DEPARTMENT

425 SOUTH CALHOUN STREET

NOTED
☒ F.S.E.
☒ R.W.D.
☐ G.F.G.
Date June 10, 1969
FORT WAYNE, INDIANA

June 9, 1969

Northern Indiana Public Service Company
Indiana & Michigan Electric Co.
General Telephone Company

We have received a petition to vacate the following:

The vacation of Sylvia Street from the west property line of Hanna Street to the easterly right of way line of U.S. Highway No. 27.

Please check your easement requirements on the enclosed post card and return to us as soon as possible.

Very truly yours,

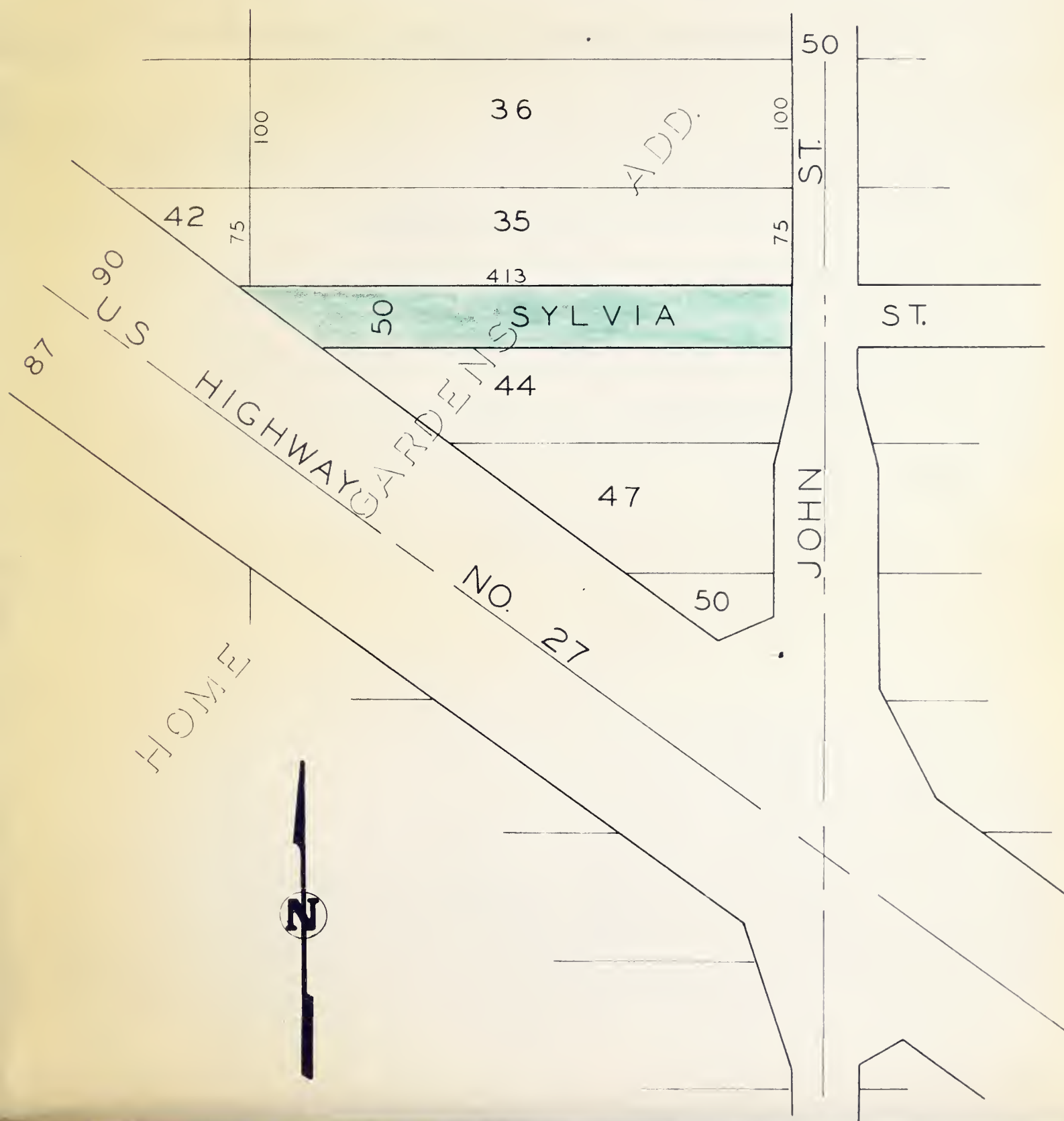
Donald E. Bodeker
Donald E. Bodeker
Office Manager

DEB:lc
attachs.

cc: Board of Public Works ✓
(Board Order No. 62-1969)



100



OFFICE OF
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

B.O. 62-69

53-164-14

Date May 12, 1969

To City Engineer

Subject Vacation - Sylvia St.

NOTED
F.S.E.
R.W.D.
G.F.G.
Date

Petition has been received to Vacate Sylvia Street, from the western boundary of John Street to the western terminus of said street.

Prepare an opinion, after conferring with all Governmental Agencies and Utilities.

Fred S. Ehrman
Robert W. Dahman
George F. Gable
BOARD OF PUBLIC WORKS

ic
encl. copy of petition

Signed

Reply:

1250

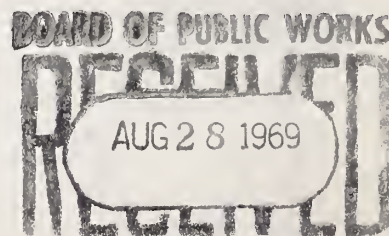
August 28, 1969

Declaratory Resolution, drawing and property ownership list completed and attached.

A public hearing will not be necessary as the only property owner involved has signed a waiver which is attached.

Donald E. Bodeker
Donald E. Bodeker
Office Manager

DEB:lc
attach.



Signed

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

W A I V E R

The undersigned, an Ohio limited partnership and the owner of all property which may be injuriously or beneficially affected by the proposed vacation of a street described as follows, to wit:

Sylvia Street from the west property line of John Street
to the easterly right of way line of U.S. Highway No. 27

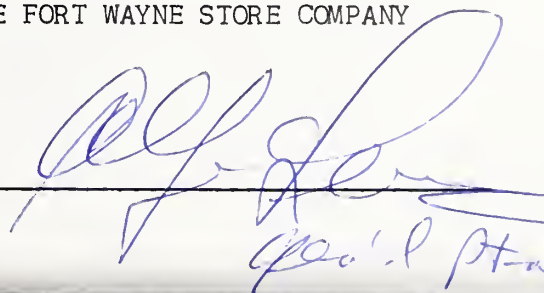
which proposed vacation is set out in Declaratory Resolution No. 1250-1969 of the Board of Public Works of the City of Fort Wayne, Indiana does hereby waive any and all rights it may have to receive notice of such resolution either by publication or otherwise, and does waive its right to a hearing on said resolution and its right to file or present in any way any remonstrance against the action taken by said Board under said resolution; and it does agree that said Board may take such final action as it may deem appropriate on said resolution, either confirming, modifying or rescinding said resolution, and that such action so taken shall be final and conclusive upon said owner.

Dated this day of July 1969.

1250

THE FORT WAYNE STORE COMPANY

BY


Geo. L. Pt-ns.

Improvement Resolution No. ¹²⁵⁰ -1969 For THE VACATION OF SYLVIA STREET FROM THE WEST PROPERTY LINE OF JOHN STREET

TO THE EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY No. 27.

	OWNER'S NAME	ADDRESS	NUMBER OF			DESCRIPTION
			LOT	BLOCK	O. L.	
1	THE F. ST. WAYNE STORE COMPANY	90 1/2 W. Main, Baird, Minn	35			HOME GARDE VS ADD
2	" " " "	1108 F. Wayne Bank Bldg	42			" " "
3	" " " "	"	44			" " "
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TOTAL						

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